

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

80TH LEGISLATIVE DAY

TUESDAY, APRIL 2, 2002

12:30 O'CLOCK P.M.

No. 80
[Apr. 2, 2002]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Father Anthony Tzortzis, St. Anthony's Hellenic
 Orthodox Church, Springfield, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, March 20, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, March 21, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

The Construction Progress Reports for the periods ending December 2001 and January 2002 submitted by the Metropolitan Pier and Exposition Authority pursuant to the Metropolitan Pier and Exposition Authority Act as amended (70 ILCS 210/1).

A report designating American Trans Air, Inc. as an Illinois High Impact Business submitted by the Department of Commerce and Community Affairs as required in 20 ILCS 655/5.5 (1999 Illinois Compiled Statutes), as amended, of the Illinois Enterprise Zone Act.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to Senate Bill 1537
 Senate Amendment No. 1 to Senate Bill 1565
 Senate Amendment No. 3 to Senate Bill 1569
 Senate Amendment No. 4 to Senate Bill 1569
 Senate Amendment No. 2 to Senate Bill 1576
 Senate Amendment No. 2 to Senate Bill 1583
 Senate Amendment No. 3 to Senate Bill 1687
 Senate Amendment No. 1 to Senate Bill 1795
 Senate Amendment No. 2 to Senate Bill 1880
 Senate Amendment No. 2 to Senate Bill 1975
 Senate Amendment No. 1 to Senate Bill 1978
 Senate Amendment No. 2 to Senate Bill 1978
 Senate Amendment No. 2 to Senate Bill 2001
 Senate Amendment No. 1 to Senate Bill 2050
 Senate Amendment No. 1 to Senate Bill 2129
 Senate Amendment No. 1 to Senate Bill 2194
 Senate Amendment No. 2 to Senate Bill 2235

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Senate Amendment No. 1 to Senate Bill 2266
 Senate Amendment No. 1 to Senate Bill 2271
 Senate Amendment No. 2 to Senate Bill 2301

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3655
 A bill for AN ACT concerning average daily attendance.
 HOUSE BILL NO. 3768
 A bill for AN ACT concerning the environment.
 HOUSE BILL NO. 4926
 A bill for AN ACT in relation to criminal law.
 HOUSE BILL NO. 5577
 A bill for AN ACT concerning municipalities.
 HOUSE BILL NO. 5579
 A bill for AN ACT in relation to health.
 HOUSE BILL NO. 5593
 A bill for AN ACT concerning land.
 HOUSE BILL NO. 5662
 A bill for AN ACT concerning teacher incentive and mentoring programs.
 HOUSE BILL NO. 5709
 A bill for AN ACT concerning telecommunications.
 HOUSE BILL NO. 5794
 A bill for AN ACT in relation to criminal law.
 HOUSE BILL NO. 5822
 A bill for AN ACT in relation to certain financial service providers.

Passed the House, March 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 3655, 3768, 4926, 5577, 5579, 5593, 5662, 5709, 5794 and 5822 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3783
 A bill for AN ACT in relation to public aid.
 HOUSE BILL NO. 3794
 A bill for AN ACT in relation to vehicles.
 HOUSE BILL NO. 4214
 A bill for AN ACT in relation to alcoholic liquor.
 HOUSE BILL NO. 4321
 A bill for AN ACT in relation to criminal law.
 HOUSE BILL NO. 4351

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A bill for AN ACT regarding higher education student assistance.
HOUSE BILL NO. 4357
A bill for AN ACT concerning credit unions.
HOUSE BILL NO. 4367
A bill for AN ACT concerning dispute resolution.
HOUSE BILL NO. 5648
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5732
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5742
A bill for AN ACT concerning reverse mortgage loans.
HOUSE BILL NO. 5798
A bill for AN ACT in relation to criminal offenses.
HOUSE BILL NO. 5934
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 5939
A bill for AN ACT concerning schools.
HOUSE BILL NO. 6004
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 6041
A bill for AN ACT in relation to health facilities.

Passed the House, March 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 3783, 3794, 4214, 4321, 4351, 4357, 4367, 5648, 5732, 5742, 5798, 5934, 5939, 6004 and 6041 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4047
A bill for AN ACT in relation to stalking.
HOUSE BILL NO. 4055
A bill for AN ACT concerning electronic fund transfers.
HOUSE BILL NO. 4101
A bill for AN ACT in relation to schools.
HOUSE BILL NO. 4364
A bill for AN ACT regarding higher education student assistance.
HOUSE BILL NO. 4438
A bill for AN ACT in relation to agriculture.
HOUSE BILL NO. 4471
A bill for AN ACT concerning environmental protection.
HOUSE BILL NO. 4956
A bill for AN ACT in relation to transportation.
HOUSE BILL NO. 5615
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 5728
A bill for AN ACT to create the Local Legacy Act.
HOUSE BILL NO. 5785
A bill for AN ACT concerning townships.

Passed the House, March 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

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The foregoing House Bills numbered 4047, 4055, 4101, 4364, 4438, 4471, 4956, 5615, 5728 and 5785 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3772

A bill for AN ACT concerning State lawsuit immunity.

HOUSE BILL NO. 3775

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 3812

A bill for AN ACT concerning townships.

HOUSE BILL NO. 4455

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 5602

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 5842

A bill for AN ACT in relation to insurance.

HOUSE BILL NO. 5965

A bill for AN ACT concerning health insurance.

Passed the House, March 22, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 3772, 3775, 3812, 4455, 5602, 5842 and 5965 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4276

A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 4335

A bill for AN ACT concerning townships.

HOUSE BILL NO. 4397

A bill for AN ACT concerning municipalities.

HOUSE BILL NO. 4457

A bill for AN ACT in relation to military affairs.

HOUSE BILL NO. 5649

A bill for AN ACT in relation to the transmission of drug information by the Internet.

Passed the House, March 22, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 4276, 4335, 4397, 4457 and 5649 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

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Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO 1656

A bill for AN ACT concerning hospitals.

Passed the House, March 22, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 62

Concurred in by the House, March 22, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 582

A bill for AN ACT to amend the Higher Education Student Assistance Act by adding Section 65.27.

HOUSE BILL NO. 4003

A bill for AN ACT concerning the regulation of professions.

HOUSE BILL NO. 4081

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 4104

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 4218

A bill for AN ACT in relation to highways.

HOUSE BILL NO. 4965

A bill for AN ACT concerning preventive services.

HOUSE BILL NO. 5652

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 5909

A bill for AN ACT in relation to criminal law.

Passed the House, April 1, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 582, 4003, 4081, 4104, 4218, 4965, 5652 and 5909 were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

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HOUSE BILL NO. 3657
 A bill for AN ACT in relation to vehicular offenses.
 HOUSE BILL NO. 3695
 A bill for AN ACT in relation to public safety.
 HOUSE BILL NO. 4037
 A bill for AN ACT concerning higher education student assistance.
 HOUSE BILL NO. 4117
 A bill for AN ACT concerning schools.
 HOUSE BILL NO. 4961
 A bill for AN ACT concerning personal care attendants.
 HOUSE BILL NO. 5610
 A bill for AN ACT in relation to vehicles.
 HOUSE BILL NO. 5700
 A bill for AN ACT with regard to education.
 HOUSE BILL NO. 5860
 A bill for AN ACT relating to corporate fiduciaries.
 HOUSE BILL NO. 6001
 A bill for AN ACT in relation to public aid.
 HOUSE BILL NO. 6040
 A bill for AN ACT concerning senior health assistance.

Passed the House, April 1, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 3657, 3695, 4037, 4117, 4961, 5610, 5700, 5860, 6001 and 6040 were taken up, ordered printed and placed on first reading.

A message from the House by
 Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION 63

WHEREAS, The bounty of agriculture from the State of Illinois is a primary source of high-quality foods that nourish the people of the world, and the global consumption of the produce of Illinois' agriculture is expected to grow at least three percent annually for the next two decades; and

WHEREAS, The markets for Illinois' agricultural products are increasingly global and complex, and Illinois farmers, marketers, suppliers, and food, feed, fiber, and medical and industrial raw material processors have a need to take steps to protect the viability of their operations against the vagaries of the global agricultural market while taking advantage of value-added opportunities; and

WHEREAS, In recent years, Illinois' farmers, marketers, suppliers, and food, feed, fiber, and medical and industrial raw material processors have responded to the uncertainties and complexities of global markets by entering into contracts to stabilize production, delivery, and pricing of agricultural products; and

WHEREAS, Illinois' agricultural economy has a need for a consistent framework for these contracts, so as to ensure that efforts to reduce the uncertainties of global agricultural markets that face Illinois' farmers, marketers, suppliers, and food, feed, fiber, and medical and industrial raw material processors is done within a framework that is fair to farmers and processors; that

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improves Illinois' competitive advantage in retaining and attracting agriculture and agriculture-related businesses; and that increases the competitive advantage of Illinois' agricultural products in the growing global markets; and

WHEREAS, Illinois' lawmakers are challenged to respond to the needs of Illinois' agricultural economy in a manner that is fair to every segment of Illinois' agricultural economy and that provides the greatest opportunity for the economic viability and growth of all components of Illinois' agricultural economy; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Attorney General and the Director of Agriculture are urged to convene a panel of interested parties; and be it further

RESOLVED, That the panel should conduct an independent review of the guidelines, rules, and laws that currently apply to the execution and performance of agricultural contracts in Illinois, with the purpose of determining what protections are currently available under State and federal law and of determining the need for further guidelines, rules, or laws to assure clarity and basic fairness for farmers, marketers, suppliers, and food, feed, fiber, and medical and industrial raw material processors, that improve Illinois' competitive advantage in retaining and attracting agriculture and agriculture-related businesses, and that increase the competitive advantage of Illinois' agricultural products in the growing global markets; and be it further

RESOLVED, That the panel should conduct an independent review of the types of agricultural production, production-related, marketing, and marketing-related contracts currently being used in the State of Illinois, to determine the impact of the different types of available contracts on Illinois' agricultural economy; and be it further

RESOLVED, That the panel should recommend specific types of education to be offered for all sectors of Illinois' agricultural economy to promote the understanding of the benefits and responsibilities of entering into agricultural marketing, marketing-related, production, and production-related contracts; and be it further

RESOLVED, That the panel should monitor the use of the recommended education programs concerning agricultural production and marketing contracts; and be it further

RESOLVED, That the panel should report to the General Assembly, no later than January 8, 2003, on its findings; and be it further

RESOLVED, That the panel convened should be jointly chaired by the Attorney General, or his or her designee, and the Director of Agriculture, or his or her designee, and should be composed of representatives from the following groups: the Chairman of the Senate Agriculture Committee or his or her designee; the Minority Spokesman of the Senate Agriculture Committee or his or her designee; the Chairman of the House Agriculture Committee or his or her designee; the Minority Spokesman of the House Agriculture Committee or his or her designee; one individual farmer nominated by the Director of Agriculture; one individual farmer nominated by the Attorney General; one individual from a food processor or a food distributor nominated by the Director of Agriculture; one representative nominated by the Illinois Farm Bureau; one representative nominated by the Illinois Farmers' Union; one representative nominated by the Illinois Corn Growers' Association; one representative nominated by the Illinois Soybean Association; one representative nominated by the Illinois Specialty Growers' Association; one representative nominated by the Illinois Fertilizer and Chemical Association; one representative nominated by the Grain and Feed Association of Illinois; one

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representative nominated by the Illinois Seed Trade Association; one representative nominated by the Midwest Food Processors Association; one representative nominated by the Illinois Pork Producers Association; one representative nominated by the Illinois Beef Association; one representative nominated by the Illinois Poultry Association; one representative nominated by the Illinois Milk Producers Association; one representative nominated by the Renewable Fuels Association; and one representative nominated by the Illinois Chamber of Commerce; and be it further

RESOLVED, That the panel should meet as directed by the Attorney General and the Director of Agriculture, and representatives shall serve without compensation; and be it further

RESOLVED, That due to the technical legal nature of the contractual law issues that will be reviewed by the panel, the representatives may be assisted and advised by legal counsel of their choosing, at their own expense; the presence of a representative's legal counsel does not entitle that representative to an additional vote in making the panel's recommendations; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Attorney General and the Director of Agriculture.

Adopted by the House, March 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 63, was referred to the Committee on Rules.

REPORT RECEIVED

REPORT OF THE COMPENSATION REVIEW BOARD STATE OF ILLINOIS

MARCH 29, 2002

TO: Members of the Illinois House of Representatives
Members of the Illinois Senate
Honorable Daniel W. Hynes, Comptroller
Honorable Jesse White, Secretary of State

RECITALS

WHEREAS, pursuant to the laws of the State of Illinois, there was created the Compensation Review Board, consisting of twelve citizens of the State of Illinois (the "Board"), which Board has been entrusted with the responsibility and duty to determine the compensation for members of the General Assembly, judges, other than the county supplement, the elected constitutional officers of State government, state's attorneys and certain appointed officers of State government (collectively referred to as "Public Officials"); and

WHEREAS, the Board has conducted a series of public hearings, heard the testimony of witnesses, and received and reviewed hundreds of pages of documents, all relating to the compensation of the Public Officials; and

WHEREAS, the Board, in determining the compensation for each and every office contained in this Report, has considered the skill required, the time required, the opportunity for other earned income, the value of public services as performed in comparable states, the

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value of such services as performed in the private sector in Illinois and comparable states based on the responsibility and discretion required in the office, the average of consumer prices commonly known as the cost of living, the overall compensation presently received by the Public Officials and all other benefits received, the interests and welfare of the public and the financial ability of the State to meet those costs, and such other factors, not confined to the foregoing, which are normally and traditionally taken into consideration in the determination of such compensation; and

WHEREAS, after posting due notice, the Board held a public hearing on March 27, 2002, in Chicago, Illinois, at which the Board voted and approved the following Motions:

1. To increase the annual compensation of associate judges so as to always equal 95% of the annual compensation of circuit court judges.
2. To require that the State of Illinois contribute three percent (3%) of each judge's salary toward the statutorily required employee contribution to the Judge's Retirement System.
3. To adopt a Resolution urging the General Assembly to amend the Compensation Review Act to change the year that reports are to be filed from the even-numbered years to the odd-numbered years, beginning 2003 or, alternatively, to permit the filing of an additional report in 2003 on a one time only basis.

WHEREAS, the Compensation Review Act requires that seven affirmative votes be cast in order for the Board to determine the compensation of the Public Officials, and each of the aforesaid Motions carried by at least seven affirmative votes, thereby making the results of said Motions the compensation determinations of the Compensation Review Board; and

WHEREAS, in accordance with the foregoing Motions, the annual compensation for the position of each Public Official and per diem amounts are determined as follows:

Schedule of Recommended Salaries and Per Diem
Effective July 1, 2002 and BEFORE Application of the
Cost of Living Adjustment for Each Respective Year *

1. The current Schedule of Salaries and Per Diem for all Public Officials remains unaffected by this Report except that the salary of an associate judge shall be increased to \$129,719.00 95% of that of a circuit court judge, effective July 1, 2002.

2. The State of Illinois shall contribute three percent (3%) of each judge's salary toward the statutorily required employee contribution to the Judge's Retirement System.

WITNESSETH

THEREFORE, BE IT RESOLVED that the Recitals be incorporated herein and that the foregoing constitute the 2002 Report of the Compensation Review Board and that a copy of this Report be filed with the House of Representatives, the Senate, the Comptroller, and the Secretary of State of Illinois forthwith.

* Pursuant to the 1990 Report of the Compensation Review Board and 1990 Senate Joint Resolution No. 192, all salaries reviewed by the Board receive an annual Cost of Living Adjustment (COLA), effective every July 1st. The COLA is based on a federal index for

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the calendar year preceding the scheduled increase known as the "Employment Cost Index, Wages and Salaries, By Occupation and Industry Groups: State and Local Government Workers: Public Administration", published by the U.S. Department of Labor, Bureau of Labor Statistics. Nothing in this Report should be construed to disturb the application of the 2002 and future COLA increases.

Adopted: March 27, 2002

Roll Call Vote on Resolution to Adopt 2002 Report:

<u>BOARD MEMBER</u>	<u>AYE</u>	<u>NAYE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CALUWAERT	X			
DALEY				X
FLEISHER	X			
LYLE	X			
MARCUCCI	X			
MUSHOW	X			
PATTON	X			
TIENKEN	X			
WALSH	X			
ZOSKY				X
FORDE, Chairman	X			
TOTALS:	9	0	0	2
<u>s/KATHY CALUWAERT</u>			<u>JAMES P. DALEY</u>	
<u>s/RONALD G. FLEISHER</u>			<u>s/FREDRENNA M. LYLE</u>	
<u>s/THOMAS D. MARCUCCI</u>			<u>s/CHARLOTTE MUSHOW</u>	
<u>s/JESSE M. PATTON, JR.</u>			<u>WILLIAM E. TIENKEN</u>	
<u>CHARLES H. WALSH</u>			<u>JOSEPH F. ZOSKY</u>	
<u>s/KEVIN M. FORDE</u>				

The President of the Senate placed the foregoing report before the Senate, which was ordered received and placed on file in the Secretary's Office.

MESSAGE FROM THE GOVERNOR

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT
SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER

NUMBER 3 (2002)

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE ABOLISHMENT OF CERTAIN ENTITIES OF THE EXECUTIVE BRANCH

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him to simplify the structure of the Executive Branch, achieve effectiveness, and expedite efficiency; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes "the abolition of the whole or any part of any agency which

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does not have, or upon the taking effect of reorganization will not have, any functions"; and

WHEREAS, This Executive Order abolishes those agency entities directly responsible to the Governor that do not have any function, which abolishment decreases agency bureaucracy, streamlines the executive branch, and dissolves inactive entities; therefore

BE IT ORDERED, Pursuant to the power vested in me by Article V, Section 11 of the Illinois Constitution, that the following agency reorganization shall be executed:

I. Abolishment:

The entities listed under Part II of this Executive Order and all accompanying administrative units, boards, councils, advisory bodies, or related entities of these agencies are abolished. The corresponding terms of appointed members on these entities are also terminated, and their appointed offices are subsequently abolished. These entities or offices may be temporarily reorganized or reconstituted, if necessary, under the Department of Central Management Services or another appropriate agency to facilitate the winding up and termination of their administration. The Director of Central Management Services shall determine in the winding up or termination of the abolished entities' affairs if the consultation or consolidation with another agency's administration is appropriate.

II. Affected Entities and Corresponding Enabling Authorities:

The entities listed in this Part II are abolished. The rights, powers, duties, and functions vested by law in these entities, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person, or entity by the following Executive Orders, Acts, or Sections of the Acts, and all rights, powers, and duties incidental to these provisions including funding mechanisms, are also abolished:

- A. Advisory Board for Conservation Education: Sections 3, 4, and 7 of the Conservation Education Act, 105 ILCS 415/3, 4, and 7.
- B. Advisory Council on Reclamation: Section 1.04 of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/1.04.
- C. Aging Veterans Task Force: Section 2310-80 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, 20 ILCS 2310/2310-80.
- D. Board of Directors of the Illinois Manufacturing Technology Alliance: Illinois Manufacturing Technology Alliance Act, 20 ILCS 3990/Act.
- E. Board of Trustees of the Illinois Summer School for the Arts: Illinois Summer School for the Arts Act, 105 ILCS 310/Act.
- F. Cattle Disease Research Committee: Section 2 of the Animal Gastroenteritis Act, 510 ILCS 15/2.
- G. Clinical Laboratory and Blood Bank Advisory Board: Sections 5-101, 5-102, and 5-103 of the Illinois Clinical Laboratory and Blood Bank Act, 210 ILCS 25/5-101, 5-102, and 5-103.
- H. Coordinating Committee of State Agencies Serving Older Persons: Section 5-520 of the Civil Administrative Code of Illinois 20 ILCS 5/5-520, and Sections 3.04, 4.01, 7.02, 8, 8.01, 8.02, and 8.03 of the Illinois Act on Aging, 20 ILCS 105/3.04, 4.01, 7.02, 8, 8.01, 8.02, and 8.03.
- I. Corn Marketing Program Temporary Operating Committee: Sections 6 and 7 of the Illinois Corn Marketing Act, 505 ILCS 40/6 and 7.

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- J. Council of Economic Advisors: Executive Order 75-2.
- K. Disadvantaged Business Enterprise Program Advisory Committee: Section 19 of the Motor Fuel Tax Law, 35 ILCS 505/19.
- L. Governor's Commission on Gangs in Illinois: Executive Order 95-4.
- M. Hemophilia Advisory Committee: Sections 1 and 4 of the Hemophilia Care Act, 410 ILCS 420/1 and 4.
- N. Illinois Council on Vocational Education: Council on Vocational Education Act, 105 ILC 420/Act.
- O. Illinois Distance Learning Foundation: Section 405-500 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois, 20 ILCS 405/405-500; Section 3-1 of the Illinois State Auditing Act, 30 ILCS 5/3-1; and the Illinois Distance Learning Foundation Act, 105 ILCS 40 Act.
- P. Illinois Economic Development Coordinating Council: Executive Orders 95-1 and 96-6.
- Q. Illinois Electronic Data Processing Advisory Committee: Section of the Electronic Fund Transfer Act, 205 ILCS 616/75.
- R. Illinois Electronic Fund Transfer Advisory Committee: Section 70 of the Electronic Fund Transfer Act, 205 ILCS 616/70.
- S. Illinois Emergency Employment Development Coordinator: Sections 2, 3, 5, and 9 of the Illinois Emergency Employment Development Act, 20 ILCS 630/2, 3, 5, and 9.
- T. Illinois Fiduciary Advisory Committee: Sections 1-5.04, 9-1, 9-2, 9-3, and 9-4 of the Corporate Fiduciary Act, 205 ILCS 620/1-5.04, 9-1, 9-2, 9-3, and 9-4.
- U. Illinois Mortgage Insurance Agency: Illinois Mortgage Insurance Fund Act, 310 ILCS 45/Act.
- V. Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder: Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder Act, 325 ILCS 35/Act.
- W. Laboratory Review Board: Laboratory Review Board Act, 20 ILCS 3980/ Act.
- X. Labor-Management Cooperation Committee: Section 605-850 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois, 20 ILCS 605/605-85.
- Y. Midwestern Higher Education Commission: Midwestern Higher Education Compact Act, 45 ILCS 155/Act.
- Z. Mobile Home and Manufactured Housing Advisory Council: Section 15 of the Illinois Manufactured Housing and Mobile Home Safety Act, 430 ILCS 115/15.
- AA. One Church One Child Advisory Board: Section 7.1 of the Children and Family Services Act, 20 ILCS 505/7.1.
- BB. Sheep and Wool Production Development and Marketing Temporary Operating Committee: Sections 6 and 7 of the Illinois Sheep and Wool Production Development and Marketing Act, 505 ILCS 115/6 and 7.
- CC. Soybean Marketing Program Temporary Operating Committee: Sections 7 and 8 of the Soybean Marketing Act, 505 ILCS 130/7 and 8.
- DD. State Sanitary District Observer: Section 4b of the Metropolitan Water Reclamation District Act, 70 ILCS 2605/4b.
- EE. Technology Innovation and Commercialization Grants-In-Aid Council: Section 605-360 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois, 20 ILCS 605/605-360.

III. Savings Clause:

- A. The rights, powers, duties, and functions of the entities

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abolished by this Executive Order shall be vested in and shall continue to be exercised by the Department of Central Management Services or another appropriate agency to the extent necessary to effectuate the termination or winding up of affected administrative affairs. Each act done in the exercise of these rights, powers, and duties shall have the same legal effect as if done by the former agencies, and by the officers and employees of those agencies.

- B. Every person or corporation shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to the former agency or the officers and employees of that agency.
- C. Every person shall be subject to the same penalty for offenses as prescribed by existing law for the same offense by any person whose powers or duties were abolished or transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person or entity, then those requirements shall be waived or, if completed, then those reports and notices shall be delivered, immediately after the effective date of this Executive Order.
- E. This Executive Order shall not affect any act done, ratified, or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause, before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the Department of Central Management Services in cooperation with another agency, if necessary.
- F. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by the pertinent agencies. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the termination and winding up of the abolished entities' affairs.
- G. Whenever any provision of any previous Executive Order, any Act, or any Act's Section transferred by this Executive Order provides for membership of an individual from an abolished entity or their respective designee, on any board, commission, authority, or other entity, the Director of Central Management Services, the head of another appropriate agency, or a Director's designee shall serve in that place, if necessary. If more than one such director is required by law to serve on any board, commission, authority, or other entity, then an equivalent number of representatives of the Department of Central Management Services or another appropriate agency shall so serve, if necessary.
- H. All employees, if any, of the abolished entities are transferred to the Department of Central Management Services or to another appropriate agency as determined by the Director of Central Management Services. All employees engaged in the performance of a function or in the administration of a law transferred by this Executive Order are transferred to the Department of Central Management Services. Personnel exercising rights, powers, and duties in the abolished entities are now transferred to the Department of Central Management Services. The rights of the employees, the State, and the transferring agencies under the Personnel Code or any collective bargaining agreement, or under

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any pension, retirement, or annuity plan, shall not be affected by this Executive Order. Personnel employed by the abolished agencies to perform functions that are not clearly classifiable within the areas referred to in this Executive Order shall be assigned and transferred to appropriate departments by the Director of Central Management Services.

- I. All personnel records, documents, books, correspondence, papers, real and personal property, and other associated items in any way pertaining to the rights, powers, duties, and functions of the abolished entities shall be delivered and transferred to the Department of Central Management Services, another appropriate agency, or the State Archives.
- J. All pending business and affairs in any way pertaining to the rights, powers, duties, and functions of the abolished entities shall be transferred to the Department of Central Management Services or to another appropriate agency for continuation, modification, winding up, or termination, as appropriate.
- K. The unexpended balances of any appropriations or funds, grants, donations, or other moneys available for use by the abolished entities shall be transferred to the Department of Central Management Services or other appropriate agency and shall be expended for similar purposes for which the appropriations, funds, grants, or other moneys were originally made or given to those entities. If those purposes are no longer feasible, then the remaining balances shall be deposited into the General Revenue Fund.

IV. Severability:

If any provision of this Executive Order or its application to any person or circumstance is held invalid, then the invalidity of that provision or application does not affect other provisions or applications of this Executive Order that can be given effect without the invalid provision or application.

V. Filing:

This Executive Order shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate. In addition, this Executive Order shall be filed with (i) the Secretary of State for publishing in the Illinois Register and (ii) the Legislative Reference Bureau for preparation of a revisory bill effectuating these provisions.

VI. Further action:

The abolishment of these entities does not foreclose further action in that the Governor may review additional executive entities for abolishment and conduct that abolishment by Executive Order. Future entities created by Executive Order should include an expiration date for automatic termination of those entities.

VII. Effective Date:

This Executive Order is effective 60 days after delivery to the General Assembly, which delivery is executed by filing copies of the document with the Clerk of the House of Representatives and the Secretary of the Senate.

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This Executive Order shall be effective immediately.

s/GEORGE H. RYAN
Governor

April 1, 2002

Pursuant to Senate Rule 3-6(c) the foregoing Executive Order was referred to the Rules Committee.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 364

Offered by Senators Munoz - Philip - E. Jones and all Senators:
Mourns the death of Chicago Police Officer Donald J. Marquez.

SENATE RESOLUTION NO. 365

Offered by Senator Bomke and all Senators:
Mourns the death of Michael Joseph Strayer of Edinburg.

SENATE RESOLUTION NO. 366

Offered by Senator Clayborne and all Senators:
Mourns the death of Leonard Hess of Decatur.

SENATE RESOLUTION NO. 367

Offered by Senator Clayborne and all Senators:
Mourns the death of Jermaine Cortez "Smooov" Lockridge of East St. Louis.

SENATE RESOLUTION NO. 368

Offered by Senators Link - Geo-Karis and all Senators:
Mourns the death of James Michael Canelakes of Beach Park.

SENATE RESOLUTION NO. 369

Offered by Senator Clayborne and all Senators:
Mourns the death of Josephine Beuckman of Belleville.

SENATE RESOLUTION NO. 370

Offered by Senators Demuzio - E. Jones and all Senators:
Mourns the death of Caroline "Ma" Jacobs, mother of Senator Denny Jacobs.

SENATE RESOLUTION NO. 371

Offered by Senator Noland and all Senators:
Mourns the death of Harold C. Johnson of Decatur.

SENATE RESOLUTION NO. 372

Offered by Senators Demuzio, Noland and all Senators:
Mourns the death of John Wesley Fribley of Pana.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Watson offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 373

WHEREAS, About one in five adults will suffer from a diagnosable mental disorder in a given year; mental illness will affect more than

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two million Illinois citizens; and

WHEREAS, Mental illness is the second leading cause of disability in the United States; and

WHEREAS, The State of Illinois must ensure that all of its citizens who may be in need of accurate and current information concerning involuntary commitment procedures, and who may need mental health evaluation and treatment receive such information, evaluation, or treatment with no one being excluded; and

WHEREAS, The laws of this State should be examined to determine whether this State is fulfilling its responsibilities toward its citizens who may need mental health information, evaluation and or treatment with respect to involuntary commitment; therefore, be it

RESOLVED BY THE SENATE OF THE NINETY SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Mental Health Task Force in relation to Involuntary Commitment shall convene to examine Illinois laws to determine whether this State is fulfilling its responsibilities toward its citizens who may need accurate information, mental health evaluation, and treatment with respect to involuntary commitment procedures and whether those laws should be changed in order to better enable the State to fulfill its responsibilities with no one being excluded; and be it further

RESOLVED, That the Task Force shall specifically review and evaluate the following criteria:

(1) Rewriting the definition of involuntary admission to make it more flexible and to assure that no one is excluded from receiving help;

(2) Adding an educational component to the law to provide yearly in-service to all parties involved in involuntary admission;

(3) The amount of time given to "rural" health facilities to properly evaluate and prepare for an involuntary mental health admission;

(4) The length of time given to prepare before a court appearance concerning an involuntary admission; and

(5) The possibility of amending the law to allow for additional psychotropic drugs given (under the same diagnosis) without a return to court; and be it further

RESOLVED, That the Task Force shall consist of the following 22 members:

- (1) Two persons appointed by the President of the Senate;
- (2) Two persons appointed by the Minority Leader of the Senate;
- (3) The Secretary of Human Services or his or her designee;
- (4) The Director of State Police or his or her designee;
- (5) A representative of the Illinois State's Attorney's Association;
- (6) A representative of the Illinois State Medical Society;
- (7) The President of Equip for Equality;
- (8) A representative of the Guardianship and Advocacy Commission;
- (9) A representative of the Alliance for the Mentally Ill of Illinois;
- (10) A representative of the Illinois State Bar Association;
- (11) A representative of the Chicago Bar Association;
- (12) A representative of the Mental Health Association in Illinois;
- (13) A representative of the Community Behavior Healthcare Association of Illinois;
- (14) A representative of the Illinois Hospital and Health Systems Association;
- (15) A representative of the Illinois Psychiatric Society;
- (16) A representative of the Illinois Psychological Association;
- (17) Two members of the Public appointed by the President of the

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Senate; and

(18) Two members of the Public appointed by the Minority Leader of the Senate; and be it further

RESOLVED, That the President of the Senate shall designate one of the members appointed by him or her to serve as the chair of the Task Force; and be it further

RESOLVED, That the meetings of the Task Force shall be convened at the call of the chair and shall be open to the public; and be it further

RESOLVED, That the Task Force shall report its recommendations for legislation to the Senate no later than November 1, 2002; and be it further

RESOLVED, That the Task Force members shall not receive any compensation for performing their duties or be reimbursed for any expenses incurred in performing their duties; and be it further

RESOLVED, That a suitable copy of this Resolution shall be presented to each member of the Task Force upon his or her appointment.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Parker, Senate Bill No. 1655 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1655 on page 1, line 5, after "changing", by inserting "Sections"; and on page 1, line 6, after "18c-1703", by inserting "and adding Section 18b-103.2"; and

on page 1, line 24, by replacing "Police Officer or" with "Police Officer, Secretary of State police officer, or"; and

on page 2, line 26, by replacing "Police and" with "Police, Secretary of State police officers, and"; and

on page 2, below line 32, by inserting the following:

"(625 ILCS 5/18b-103.2 new)

Sec. 18b-103.2. Secretary of State police officers; training. Secretary of State police officers must undergo the same motor carrier safety training required for Illinois State Police officers under the rules of the Department of State Police."; and

on page 3, line 6, by replacing "Police and" with "Police, the Secretary of State, and"; and

on page 3, line 13, by replacing "Police and" with "Police, Secretary of State police officers, and"; and

on page 3, line 16, by replacing "Department, Illinois" with "Department, the Secretary of State, Illinois".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 1706 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, Senate Bill No. 1713 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Financial

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Institutions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1713 as follows:
by replacing the title with the following:

"AN ACT in relation to criminal law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing
Section 17-1 as follows:

(720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

Sec. 17-1. Deceptive practices. (A) As used in this Section:

(i) A financial institution means any bank, savings and loan association, credit union, or other depository of money, or medium of savings and collective investment.

(ii) An account holder is any person, having a checking account or savings account in a financial institution.

(iii) To act with the "intent to defraud" means to act wilfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another, or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.

(B) General Deception

A person commits a deceptive practice when, with intent to defraud:

(a) He causes another, by deception or threat to execute a document disposing of property or a document by which a pecuniary obligation is incurred, or

(b) Being an officer, manager or other person participating in the direction of a financial institution, he knowingly receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent, or

(c) He knowingly makes or directs another to make a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services, or

(d) With intent to obtain control over property or to pay for property, labor or services of another, or in satisfaction of an obligation for payment of tax under the Retailers' Occupation Tax Act or any other tax due to the State of Illinois, he issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of 2 occasions at least 7 days apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that he has the intent to defraud.

(e) He issues or delivers a check or other order upon a real or fictitious depository in an amount exceeding \$150 in payment of an amount owed on any credit transaction for property, labor or services, or in payment of the entire amount owed on any credit transaction for property, labor or services, knowing that it will not be paid by the depository, and thereafter fails to provide funds or credit with the depository in the face amount of the check or order within seven days of receiving actual notice from the depository or payee of the dishonor of the check or order.

Sentence.

A person convicted of deceptive practice under paragraphs (a) through (e) of this subsection (B), except as otherwise provided by this Section, is guilty of a Class A misdemeanor.

A person convicted of a deceptive practice in violation of paragraph (d) a second or subsequent time shall be guilty of a Class

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4 felony.

A person convicted of deceptive practices in violation of paragraph (d), when the value of the property so obtained, in a single transaction, or in separate transactions within a 90 day period, exceeds \$150, shall be guilty of a Class 4 felony. In the case of a prosecution for separate transactions totaling more than \$150 within a 90 day period, such separate transactions shall be alleged in a single charge and provided in a single prosecution.

(C) Deception on a Bank or Other Financial Institution

False Statements

1) Any person who, with the intent to defraud, makes or causes to be made, any false statement in writing in order to obtain an account with a bank or other financial institution, or to obtain credit from a bank or other financial institution, knowing such writing to be false, and with the intent that it be relied upon, is guilty of a Class A misdemeanor.

For purposes of this subsection (C), a false statement shall mean any false statement representing identity, address, or employment, or the identity, address or employment of any person, firm or corporation.

Possession of Stolen or Fraudulently Obtained Checks

2) Any person who possesses, with the intent to obtain access to funds of another person held in a real or fictitious deposit account at a financial institution, makes a false statement or a misrepresentation to the financial institution, or possesses, transfers, negotiates, or presents for payment a check, draft, or other item purported to direct the financial institution to withdraw or pay funds out of the account holder's deposit account with knowledge that such possession, transfer, negotiation, or presentment is not authorized by the account holder or the issuing financial institution is guilty of a Class A misdemeanor. A person shall be deemed to have been authorized to possess, transfer, negotiate, or present for payment such item if the person was otherwise entitled by law to withdraw or recover funds from the account in question and followed the requisite procedures under the law. In the event that the account holder, upon discovery of the withdrawal or payment, claims that the withdrawal or payment was not authorized, the financial institution may require the account holder to submit an affidavit to that effect on a form satisfactory to the financial institution before the financial institution may be required to credit the account in an amount equal to the amount or amounts that were withdrawn or paid without authorization. Any--person--who possesses,--with-the-intent-to-defraud,--any-check--or--order--for--the payment--of--money,--upon--a--real-or-fictitious-account,--without-the consent-of-the-account-holder,--or-the-issuing-financial--institution,--is-guilty-of-a-Class-A-misdemeanor.

Any person who, within any 12 month period, violates this Section with respect to 3 or more checks or orders for the payment of money at the same time or consecutively, each the property of a different account holder or financial institution, is guilty of a Class 4 felony.

3) Possession of Implements of Check Fraud. Any person who possesses, with the intent to defraud, and without the authority of the account holder or financial institution any check imprinter, signature imprinter, or "certified" stamp is guilty of a Class A misdemeanor.

A person who within any 12 month period violates this subsection (C) as to possession of 3 or more such devices at the same time or consecutively, is guilty of a Class 4 felony.

Possession of Identification Card

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4) Any person, who with the intent to defraud, possesses any check guarantee card or key card or identification card for cash dispensing machines without the authority of the account holder or financial institution, is guilty of a Class A misdemeanor.

A person who, within any 12 month period, violates this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders, is guilty of a class 4 felony.

A person convicted under this Section, when the value of property so obtained, in a single transaction, or in separate transactions within any 90 day period, exceeds \$150 shall be guilty of a Class 4 felony.

(Source: P.A. 84-897.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 1730 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1730 as follows:
by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Vehicle Code is amended by changing Section 6-303 as follows:

(625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

Sec. 6-303. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

(a) Any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(b) The Secretary of State upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when said person's driver's license, permit or privilege was suspended by the Secretary, by the appropriate authority of another state, or pursuant to Section 11-501.1; except as may be specifically allowed by a probationary license to drive, judicial driving permit or restricted driving permit issued pursuant to this Code or the law of another state; shall extend the suspension for the same period of time as the originally imposed suspension; however, if the period of suspension has then expired, the Secretary shall be authorized to suspend said person's driving privileges for the same period of time as the originally imposed suspension; and if the conviction was upon a charge which indicated that a vehicle was operated during the time when the person's driver's license, permit or privilege was revoked; except as may be allowed by a restricted driving permit issued pursuant to this Code or the law of another state; the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of

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revocation.

(c) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 10 consecutive days or 30 days of community service when the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof; or

(2) a violation of paragraph (b) of Section 11-401 of this Code or a similar provision of a local ordinance relating to the offense of leaving the scene of a motor vehicle accident involving personal injury or death; or

(3) a violation of Section 9-3 of the Criminal Code of 1961, as amended, relating to the offense of reckless homicide; or

(4) a statutory summary suspension under Section 11-501.1 of this Code.

Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence.

(c-1) Except as provided in subsection (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service.

(c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

(1) Seizure of the license plates of the person's vehicle.

(2) Immobilization of the person's vehicle for a period of time to be determined by the court.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-1) Except as provided in subsection (d-2) and subsection (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days if the revocation or suspension was for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar

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out-of-state offense, or a statutory summary suspension under Section 11-501.1 of this Code.

(e) Any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements, in addition to other penalties imposed under this Section, shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(f) For any prosecution under this Section, a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 if the person's driving privilege was revoked or suspended as a result of a violation listed in paragraph (1), (2), or (3) of subsection (c) of this Section or as a result of a summary suspension as provided in paragraph (4) of subsection (c) of this Section.

(Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01.)

Section 10. The Criminal Code of 1961 is amended by changing Section 36-1 as follows:

(720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of Section 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (d) Section 44 of the Environmental Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; or (f) the offenses described in the following provisions of the Illinois Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code; may be seized and delivered forthwith to the sheriff of the county of seizure.

Within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method: Upon each such person whose right, title or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other Department of this State, or any other state of the United States if such vessel, vehicle or aircraft is required to be so registered, as the case may be, by mailing a copy of the notice by certified mail to the address as given upon the records of the Secretary of State, the Department of Aeronautics, Department of Public Works and Buildings or any other Department of this State or the United States if such vessel, vehicle or aircraft is required to be so registered. Within that 15 day period the sheriff shall also notify the State's Attorney of the county of seizure about the seizure.

In addition, any mobile or portable equipment used in the

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commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels, vehicles and aircraft, and any such equipment shall be deemed a vessel, vehicle or aircraft for purposes of this Article.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section.

If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 1849 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 1851 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, Senate Bill No. 2018 having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Bowles, Senate Bill No. 2037 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, Senate Bill No. 2204 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 2249 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 2250 having been printed, was taken up, read by title a second time and ordered to a third reading.

Senator Karpiel announced that there will be a Republican caucus immediately upon adjournment.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.

COMMITTEE MEETING ANNOUNCEMENT

Senator Rauschenberger, Chairperson of the Committee on Appropriations announced that the Appropriations Committee will meet today, in Room 212, Capitol Building at 2:00 o'clock p.m., instead of 1:00 o'clock p.m.

At the hour of 1:01 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 3, 2002 at 9:00 o'clock a.m.

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